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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,302	10/07/2005	Marcus Albrecht	OST-041503	9830
22876	7590	12/14/2009		
FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607			EXAMINER CHAUDRY, ATIF H	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 12/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,302

Applicant(s)

ALBRECHT ET AL.

Examiner

ATIF H. CHAUDRY

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the claims

Applicant's amendment as filed on 09/29/2009 has been entered. The amendment added claims 13-16 and amended claim 1. Currently claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 5-9, 11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott (US Patent 6589348) in view of Herre et al. (US PG Pub 20050173018) and further in view of Akeel (US Patent 5289947).
3. Regarding claims 1 and 13-16, Ott (abstract, lines 2-4) discloses a method of supplying a paint application device with paint from a paint source comprising conveying paint between two pigs 18, 19 through a conveying line 2 wherein the pigs are transported by compressed air pushing from one side. The loading station 3 serves as a

first pig station and the discharge station 5 as second pig station. Ott discloses a passage (vertical conduit leading to supply conduits 8) of the first pig station 3 extending between a connection to the paint supply source 8 and a connection to the pig line 2 and discloses a passage 11 of the second pig station 5 extends between a connection to the pig line 2 and a connection 15 to the paint application device such that the paint is injected between the two pigs and conveyed between the pigs to the second pig station and then dispersed from between the two pigs at the second pig station. Ott fails to disclose a method of cleaning the path or a method of disposing residual paint. Herre et al. (abstract, fig. 17-20) teaches a method of cleaning the path of a paint supply line by introducing of cleaning solvent between two pigs 166, 168 at the discharge pig station 164 and teaches transporting of the cleaning between two pigs 166, 168 to the supply pig station 196 to clean the supply line P. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the paint supply system disclosed by Ott with a cleaning method as taught by Herre et al. in order to flush the supply line. Akeel (col 6, line 11) teaches a method of disposing excess paint via the discharge station comprising of a dump valve 142 and collection tanks 146. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the paint supply system disclosed by Ott with an excess paint removal method as taught by Akeel in order to remove residual paint. The first pig station 3 (paint loading station) and the second pig station 5 (paint discharge station) disclosed by Ott are capable of receiving and holding the pigs when not in use, therefore can be considered as capable of temporarily storing the pigs.

4. Regarding claim 2, Herre et al. (abstract) teaches the cleaning agent as a liquid solvent.
5. Regarding claim 3, Ott (abstract) discloses that the thrust medium for the pigs can be compressed air.
6. Regarding claim 5, Ott (Fig. 2 and 3) illustrates two pigs together (Fig. 2) in absence of paint and the pigs pushed apart (Fig. 3, Items 3 and 22) due to paint introduced between them.
7. Regarding claim 6, Ott (column 3, lines 15-23) discloses specific quantities of paint introduced between the pigs, and also discloses (column 4, lines 3-10) pushing of the pigs by pushing medium (compressed air).
8. Regarding claim 7 and 8, Herre et al. (abstract) teaches (fig. 16, 17) the cleaning solvent being used as a pushing medium for the pigs 166, 168 and teaches (fig. 18) the pigs 166, 168 pushed together by a pushing medium A once a defined quantity of cleaning agent has been introduced between the two pigs.
9. Regarding claim 9, Herre et al. (page 1, para 6) teaches cleaning of the system by introducing solvent for a color change.
10. Regarding claim 11, Ott discloses (Fig. 4; col 2, para 29) sensor 34 which activates the electric voltage driven nozzle upon sensing the presence of pigs at the discharge station.
11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ott (US Patent 6589348) in view of Herre et al. (US PG Pub 20050173018) and Akeel (US

Patent 5289947) as rejected under claim 1, and further in view of Kendall (US Patent 5855062).

12. Ott fails to teach throttling of the air supply. Kendall (column 5, lines 52-57) teaches regulating the pig speed by using valves to controlling airflow which would inherently use partially blocking (i.e., throttling) the passageway of air. It would have been obvious to a person having ordinary skill in the art to have used the method of controlling flow taught by Kendall in the supply system disclosed by Ott in order to regulate paint supply.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ott (US Patent 6589348) in view of Herre et al. (US PG Pub 20050173018) and Akeel (US Patent 5289947) as rejected under claim 1, and further in view of Prus (US Patent 4962724).

14. Ott fails to disclose cleaning with both compressed agent and compressed air. Prus teaches (col 2, line 3-5) a cleaning cycle for a paint supply system comprising a succession of injections of cleaning product and compressed air until the pipes are clean and dry. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the paint supply system disclosed by Ott with cleaning cycle as taught by Prus in order to dry clean the system.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ott (US Patent 6589348) in view of Herre et al. (US PG Pub 20050173018) and Akeel (US Patent 5289947) as rejected under claim 1, further in view of Sedlacsik (US Patent 2784350).

16. Ott fails to disclose coiling. Sedlacsik (Fig. 1; col 2, line 55) teaches an electrical paint delivery system comprising of a coil 20 to increase electrical isolation. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the paint supply system disclosed by Ott with a coiling line to increase electrical isolation of the paint system.

Response to Arguments

1. Applicant's arguments filed on 09/29/2009 have been entered but are not found persuasive.
2. Applicants argues that Ott fails to
 - a. the pig line being cleaned on the return path of the pigs from the second to the first pig station by means of a give quantity of cleaning agent that is conveyed by at least one pig;
 - b. the cleaning agent being transported between the two pigs on return from the second pig station to the first pig station; and,
 - c. the residual paint remaining between the two pigs after completion of the painting process being disposed via the second pig station

The argument is not persuasive since Herre et al. has been cited to incorporate (a) and (b) and Akeel has been cited to incorporate (c) to the primary reference Ott.

3. Applicant's argument that the two pigs of Herre et al. do not convey paint is not persuasive since the feature is disclosed by the primary reference Ott. In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. In response to applicant's argument that Herre et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Ott and Herre et al. are related to process of delivering paint in a conduit by pigs.

5. Applicant's argument that the two pigs of Akeel do not convey paint is not persuasive since the feature is disclosed by the primary reference Ott. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. In response to applicant's argument that Akeel is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Ott and Akeel are related to process of delivering paint in a conduit by pigs.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ATIF H. CHAUDRY whose telephone number is (571)270-3768. The examiner can normally be reached on Mon-Fri Alternate Friday off 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571)272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Atif H Chaudry/
Examiner, Art Unit 3753
12/8/2009

/Robin O. Evans/
Supervisory Patent Examiner, Art Unit 3753